

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00114-MR-DLH**

**WILLIAM M. KRINGS,**

**Plaintiff,**

**vs.**

**UNITED STATES POSTAL SERVICE,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss [Doc. 6]; the *pro se* Plaintiff's "Motion to Have Respondents' 'Motion to Dismiss' Set Aside and Motion for Summary Judgment and Default Judgment" [Doc. 10]; the Magistrate Judge's Memorandum and Recommendation [Doc. 19] regarding the disposition of the Defendant's Motion to Dismiss; the *pro se* Plaintiff's "Response and Objections to Memorandum and Recommendation" [Doc. 22]; and the Government's Response to the Plaintiff's Objections [Doc. 23].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate

Judge, was designated to consider the Defendant's Motion to Dismiss and to submit a recommendation for its disposition.

On September 21, 2015, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 19]. After receiving an extension of time to do so [Doc. 21], the Plaintiff filed his objections to the Memorandum and Recommendation on October 13, 2015. [Doc. 22]. The Government filed its response to the Plaintiff's objections on October 15, 2015. [Doc. 23].

The Plaintiff's objections do not provide any relevant facts, law or argument to support rejecting any part of the Magistrate Judge's Memorandum and Recommendation. The Plaintiff lost his former job in Asheville when the U. S. Postal Service mail processing and distribution center on Brevard Road was closed. The Plaintiff was then offered a part-time job in Highlands, North Carolina, which he accepted. The Plaintiff was not bound by any debt owed to the U. S. Postal Service to accept that part-time job or to continue in that position. As the Magistrate Judge correctly observed, the Plaintiff is free to quit his job at any time and is not being held in a state of peonage or involuntary servitude as those terms are defined by the law.

Accordingly, after a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss should be granted.

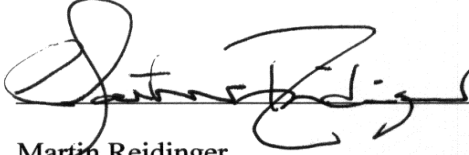
Additionally, for the reasons stated in the Memorandum and Recommendation, the Plaintiff's "Motion to Have Respondents' 'Motion to Dismiss' Set Aside and Motion for Summary Judgment and Default Judgment" is denied.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 22] are **OVERRULED**; the Memorandum and Recommendation [Doc. 19] is **ACCEPTED**; the Defendant's Motion to Dismiss [Doc. 6] is **GRANTED**; the Plaintiff's "Motion to Have Respondents' 'Motion to Dismiss' Set Aside and Motion for Summary Judgment and Default Judgment" [Doc. 10] is **DENIED**; and this action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

Signed: October 22, 2015

  
Martin Reidinger  
United States District Judge

